

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 2872

By: Christian

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6 AS INTRODUCED

7 An Act relating to emergency telephone service;
8 creating the Kelsey Smith Act; requiring wireless
9 service providers to provide call location
10 information to law enforcement in certain
11 circumstances; allowing wireless service providers to
12 establish certain protocols; prohibiting certain
13 causes of action; directing wireless service
14 providers to submit emergency contact information to
15 the Oklahoma State Bureau of Investigation; requiring
16 the Oklahoma State Bureau of Investigation to
17 maintain a database of emergency contact information;
18 directing the Oklahoma State Bureau of Investigation
19 to promulgate rules; providing for codification;
20 providing for noncodification; and providing an
21 effective date.

22 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

23 SECTION 1. NEW LAW A new section of law not to be
24 codified in the Oklahoma Statutes reads as follows:

25 This act shall be known and may be cited as the "Kelsey Smith
26 Act".

27 SECTION 2. NEW LAW A new section of law to be codified
28 in the Oklahoma Statutes as Section 2861 of Title 63, unless there
29 is created a duplication in numbering, reads as follows:

1 A. Upon request of a law enforcement agency, a wireless service
2 provider shall provide call location information concerning the
3 telecommunications device of the user to the requesting law
4 enforcement agency in order to respond to a call for emergency
5 services or in an emergency situation that involves the risk of
6 death or serious physical harm.

7 B. Notwithstanding any other provision of law to the contrary,
8 nothing in this section prohibits a wireless service provider from
9 establishing protocols by which the provider could voluntarily
10 disclose call location information.

11 C. No cause of action shall lie in any court against any
12 wireless service provider, its officers, employees, agents or other
13 specified persons for providing call location information while
14 acting in good faith and in accordance with the provisions of this
15 section.

16 D. 1. All wireless service providers registered to do business
17 in the state or submitting to the jurisdiction of the state and all
18 resellers of wireless telecommunications services shall submit their
19 emergency contact information to the Oklahoma State Bureau of
20 Investigation in order to facilitate requests from a law enforcement
21 agency for call location information in accordance with this
22 section. This contact information shall be submitted annually by
23 June 15 or immediately upon any change in contact information.
24

1 2. The Oklahoma State Bureau of Investigation shall maintain a
2 database containing emergency contact information for all wireless
3 service providers registered to do business in the state and shall
4 make the information immediately available upon request to all
5 public safety answering points in the state.

6 E. The Oklahoma State Bureau of Investigation shall promulgate
7 rules as necessary to fulfill the requirements of this section no
8 later than January 1, 2017.

9 SECTION 3. This act shall become effective November 1, 2016.

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11 55-2-8744 KB 12/30/15

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